

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- June 27, 1967

The meeting of the Commission was called to order at 7:00 p.m. in the Council Room, Municipal Building.

Present

Edgar E. Jackson, Chairman
W. A. Wroe
Hiram S. Brown
Samuel E. Dunnam
Ed Bluestein
Barton D. Riley
Robert B. Smith
Mrs. Lynita Naughton
Dr. William Hazard

Also Present

Richard Lillie, Assistant Director of Planning
E. N. Stevens, Chief, Plan Administration
Walter Foxworth, Associate Planner
Glenn Cortez, Assistant City Attorney
Bill Burnette, Associate Planner

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of June 20, 1967.

Present

W. A. Wroe, Chairman
Samuel E. Dunnam
Barton D. Riley
Robert B. Smith
Dr. William Hazard

Also Present

Richard Lillie, Asst. Director of Planning
Bill Burnette, Associate Planner
Glenn Cortez, Assistant City Attorney

PUBLIC HEARINGS

C14-67-79 M & O Timber Company: O to LR
1001-1003 West 29th Street
2854 Shoal Crest Avenue

STAFF REPORT: The subject property consists of two undeveloped lots totaling 13,462 square feet of land which is being used for parking. The stated purpose of the application is for a drive-in grocery. City owned property adjoins the subject tract to the south and across Lamar Boulevard to the west. Bill Gaston boats and motors is developed on property zoned "GR" to

C14-67-79 M & O Timber Company--contd.

the north across West 29th Street. The area to the south and east is developed predominantly with single-family residences. There have been recent changes to "GR" zoning in this area particularly along San Gabriel Street.

The Thoroughfare Plan of the Master Plan, adopted in March, 1967, proposes a major arterial street along West 29th Street and extending across the City owned property to connect with Northwood Road to the west and the overpass at Westover Road and Mo-Pac Railroad and connects with Exposition Boulevard at the location of the Casis Shopping Center. The right-of-way for the widening of this street is presently being acquired from property in the vicinity of Rio Grande and West 29th Streets. All of the right-of-way is scheduled to be taken from the south side. Because of the size of the lots along the south side and because they angle to the street, when the right-of-way is acquired there would be very little usable land left for development. The right-of-way proposed at the present time is 70 feet; however, it is expected that 80 feet will be used rather than 70 feet. West 29th Street has a present right-of-way of 50 feet from San Gabriel east and 45 feet in front of the subject property. The subject property has frontage onto McAdams Street which is dedicated but is not open on the ground and on Shoal Crest Avenue. If the property is developed as proposed, it should be by special permit control under the existing "O" Office zoning. The staff recommends that the request for "LR" zoning be denied because of inadequate right-of-way at the site, the traffic congestion which would be caused by cars turning into and backing out from the proposed development. The proposed development of 29th Street for major arterial purposes will utilize the subject property at some point in the future.

TESTIMONY

WRITTEN COMMENT

Code		
F	Bill Gaston Enterprises, Inc.: P.O. Box 1643	FOR
?	Rexford G. Carter, M.D.: 3100 Red River	AGAINST
?	A. G. Adams: 2817 Wooldridge Drive	AGAINST
R	Mrs. Charlotte D. Jelks: 2837 Shoal Crest Avenue	AGAINST
?	Thomas W. Shefelman: 2717 Wooldridge Drive	AGAINST

PERSONS APPEARING AT HEARING

Code		
	Kelly E. McAdams (representing applicant)	FOR
R	Mrs. Charlotte D. Jelks: 2837 Shoal Crest Avenue	AGAINST
B	Ona Kay Stephenson: 2848 Shoal Crest Avenue	AGAINST
?	Mrs. Herbert O. Muecke: 1500 Elton Lane #4	FOR
?	Thomas W. Shefelman: 2717 Wooldridge Drive	AGAINST
?	Janice Shefelman: 2717 Wooldridge Drive	AGAINST

C14-67-79 M & O Timber Company--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present at the hearing and stated that the subject property was zoned "O" Office two years ago. He stated that since that time, he has not been able to sell or develop the property to the best use under the existing classification. There has been discussion with the City towards the purchase of the property for use in connection with an overpass. The City has offered only 3/5 of the market value. Various City officials have stated that the property would not be used for 15 years, and so a request was made to the City Council to release the property for a 15 year period so that it could be used. If this was done, it is felt that the lot and the proposed building could be paid for and the taxes would then be taken care of from the property income.

The property has been vacant for two years and no income has been derived from it. It is felt that a paying proposition could be made of the property if the zoning change is granted. The plans are to setback far enough from the property line so that at least 20 feet of the property can be given for right-of-way. Ingress and egress would be from Shoal Crest Avenue to the east and McAdams Street to the west rather than from West 29th Street, as there will be no curb break along West 29th Street.

Arguments Presented AGAINST:

Five nearby property owners appeared in opposition to the request. Mr. Tom Shefelman, nearby property owner, presented the following letter in opposition which summarizes the arguments of the property owners:

"In general I have long shared with others the concern with the number of decisions made by our public bodies which have bit by bit actually reduced margins of safety, convenience, amenity and pleasure of living, even working, within our City. So many decisions have been made for the convenience, opportunity and increased profit of a few at the expense of the needs of many simply because the many often could not in time clearly demonstrate some tangible monetary loss. Yet these other kinds of losses, not at the time clearly evident to some, were indeed losses of some of the very advantages for which some lived or worked in particular places in our City.

Now as a directly affected resident on Wooldridge Drive I am not only reflecting the particular concerns of many of the residents which must overlook the added clutter and detracton of a new drive-in type of facility. I also am concerned about the intensification of an already serious and hazardous traffic condition at this corner.

C14-67-79 M & O Timber Company--contd.

I am certain your traffic department will verify the opportunities for accidents which already exist not only because of the proximity of two street intersections (see drawing) but also the existence of Bill Gaston's curb cut which fits in between on 29th. My observations are that a westbound motorist is momentarily blind to both Gaston's curb cut and the Lamar intersection and an eastbound motorist must be wary of Gaston's curb cut and the Shoal Crest or San Gabriel street intersection. For one trying to use Bill Gaston's facility the hazard and inconvenience is even more evident. Rush hours make this curb cut almost inoperable.

Now you are about to consider allowing the most intense kind of in and out traffic generator one could pick to more than double this kind of bedlam and danger to both through motorists and those who will try to use both commercial facilities to say nothing of the, as usual, maligned pedestrian. Speaking of the pedestrian, this is also the route walked by children living east of Lamar on their way to Brykerwood School.

The traffic condition is no more favorable for curb cutting on Lamar at this corner either. Only northbound Lamar traffic could use such a curb cut with even a degree of safety. In fact a curb cut on 29th Street could only be used with any degree of safety by eastbound 29th Street traffic, and delay at that curb cut could tie up traffic all the way across Lamar. The same would happen to northbound traffic trying to turn right off of Lamar onto 29th Street. And I wish to remind you of the blind spots to Lamar traffic due to changes in grade and curvature of street both north and south of the intersection. All who drive on Lamar are aware of the serious traffic interruptions and hazards along Lamar between 38th and 29th and from 12th Street south because of the unrestrained curb cutting already permitted. And we are already beginning to see what the addition of some new ones on Lamar between these two areas can do to an 8:00 a.m. flow of traffic. Is this Planning Commission going to allow this kind of deterioration to be perpetuated?

In fact the traffic condition I have described can hardly be of the greatest advantage to a drive-in oriented facility itself. There is one alternative and that is curb cutting on Shoal Crest. Presently that is a relatively quiet and safe residential street. Such use of Shoal Crest would intensify the previously discussed hazards of two intersections so close to one another. But furthermore, the whole idea of disregarding in the name of profit the interest of the people on this street who still enjoy some degree of safety and quiet is an idea which should be repugnant in the eyes of those charged with public welfare.

C14-67-79 M & O Timber Company--contd.

It looks as though a decision in favor of granting this variance would be a poor planning decision for everyone concerned except, perhaps, the present property owner."

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of inadequate right-of-way, dangerous street intersections and sight distance.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of M & O Timber Company for a change of zoning from "O" Office, First Height and Area to "LR" Local Retail, First Height and Area for property located at 1001-1003 West 29th Street and 2854 Shoal Crest Avenue be DENIED.

C14-67-80 Harris Burrow: A to D
9923-9935 F.M. Road 1325

STAFF REPORT: This application covers an area of 33,660 square feet of undeveloped land. The stated purpose of the application is for boat storage. The subject property has 181 feet of frontage on F.M. 1325 with an average depth of 145 feet. A portion of the property included in this application is outside of the City limits; however, the only concern is with the property inside the City. This area has been designated as industrial under the Austin Development Plan and is developing accordingly. To the west is the University of Texas Defense and Research Laboratory. To the north is a concrete mixing plant and to the south are activities connected with another concrete plant. The staff has no objection to the requested zoning as it does conform to the Master Plan designation for the area and is a logical extension of existing zoning.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

Property owner adjacent to the north appeared in favor of this request.

No one appeared in opposition to the request.

C14-67-80 Harris Burrow--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the requested zoning is in keeping with the character of the area, is a logical extension of the present zoning pattern, and is in conformance with the Master Plan designation for the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Harris Burrow for change of zoning from "A" Residence, First Height and Area to "D" Industrial, First Height and Area for property located at 9923-9935 F.M. Road 1325 be GRANTED.

C14-67-81 Charlie A. Davis, et al: O, 1st to O, 2nd
700-712 West 34th Street
 400-404 King Street

STAFF REPORT: This application covers an area of 45,630 square feet of land. The stated purpose of the application is for construction of an apartment house and future office uses. The subject property has approximately 348 feet of frontage along West 34th Street and is approximately 135 feet deep with frontage also along King Street. The area has "O", "A", "BB" & "C" zoning and is developed predominantly with single-family and office uses. The height and area classification in this area is First Height and Area with the exception of Second Height and Area zoning along Guadalupe Street extending westward to King Street and on West 32nd and West Avenue. "B" Second Height and Area zoning on the property at the southeast corner of West 32nd Street and King Street was granted in 1966. A request for "B" Second Height and Area zoning was made on property at the intersection of King Lane and West 32nd Street at which time the Commission recommended denial as it was felt that the zoning was too intensive for the area and the streets were inadequate to handle high density development; however, the request was granted by the City Council in March of this year. The requested zoning on the subject property would allow a setback reduction from 25 feet to 10 feet. West 34th Street, with a present right-of-way of 60 feet is adequate; King Street, with only 27 feet of right-of-way should be widened to a minimum width of 50 feet to line up with King Street to the south. This would require 23 feet of right-of-way from the subject property. The other streets serving this area are considered minor residential streets. The subject property is in the area proposed for the right-of-way of the Camp Mabry expressway. The staff recommends that the requested zoning be denied because of the inadequate right-of-way of King Street and because the proposed zoning would reduce the setback along West 34th Street, which is a commercial collector street.

C14-67-81 Charlie A. Davis, et al--contd.

TESTIMONY

WRITTEN COMMENT

Code

Y	J. W. McCartney: 715 West 35th Street	AGAINST
AA	Mrs. R. T. Hewitt: 711 West 35th Street	AGAINST
AS	Mr. & Mrs. Clay L. Price: 624 West 34th Street	FOR

PERSONS APPEARING AT HEARING

Code

A	Charles A. Davis (applicant)	FOR
	Phil Mockford (representing applicant)	FOR

SUMMARY OF TESTIMONY

Mr. Phil Mockford, representing the applicant, stated that Mr. Charles A. Davis, owns two of the lots under consideration in this application and the other lots are owned by separate parties who were kind enough to join in this application. The area from Guadalupe to King Street is zoned "C" Commercial, Second Height and Area. The subject property is already "O" Office, First Height and Area and the use intended for the property is permitted but the density proposed is not allowed. Mr. Davis proposes to erect a 16 unit apartment house on the two lots that he owns. The only change that is requested is the Height and Area which allows a greater density. It is felt that Mr. Barnes, owner of the lot fronting onto King Street would not be very anxious to dedicate 23 feet of right-of-way to the City for the widening of King Street, and he would have no objection to withdrawing his portion of the property from this application if there is any problem with the right-of-way. It is understandable that the City would like to widen the street to 50 feet but the building existing on the lot comes almost to the sidewalk.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because King Street, with only 27 feet of right-of-way, is inadequate to serve high density property, and the proposed zoning will reduce the setback requirements from 25 to 10 feet on West 34th Street which is a heavily traveled commercial collector street.

At the Commission meeting, Mr. Stevens reported a letter from the applicant requesting to amend this application to exclude Lot 26, located at the corner of 34th and King Streets if this would aid in the granting of this request. The letter further stated that as the owner of Lots 21 & 22 in this application, he has had plans prepared by an architect for the construction of a 16 unit apartment house with a 32 foot setback from 34th Street, on these two lots.

C14-67-81 Charlie A. Davis, et al--contd.

Mr. Davis appeared at the meeting and stated that he would attempt to get all of the owners involved, with the exception of the owner of Lot 26, to provide a 25 foot setback restriction on the property under consideration for the purpose of uniformity. The owner of the lot at the corner would probably not want to dedicate any right-of-way for King Street as there is a new structure on the lot that is fairly close to the street.

Mr. Stevens stated that in view of the fact that there has recently been built on the corner lot a masonry commercial structure, the staff would like to discuss the right-of-way of King Street with the Public Works Department as the past paving plans for King Street was to provide for 30 feet of paving on 30 feet of right-of-way. It is felt that Public Works might not want to align the street requiring right-of-way into the new commercial structure.

Mr. Wroe stated that without regard to the right-of-way, it is his feeling that the present zoning on the subject tract is the proper zoning. There is "BB" First Height and Area on either side of the site and "O" Office, First Height and Area zoning to the south. "C" Commercial, Second Height and Area does exist, but it is predominantly along Guadalupe Street. "BB" zoning is the lowest apartment house zoning in the Ordinance and it would not be proper to grant Second Height and Area in the middle of the existing "BB" zoning. The change in height and area is a question of density as this does allow the density to double.

Mr. Jackson stated that he would be in favor of the request as amended, provided the lots are restricted to a 25 foot setback. It was his opinion that the economics of the land would take care of the density.

The Commission inquired as to whether or not Mr. Davis has the authority to amend this application. Mr. Stevens advised the Commission that all of the property owners did sign the application and should be agreeable to the amendment before it can be accepted.

Mr. Davis stated that he represents the owners but they signed the request. The 25 foot setback requirement would have to be discussed with these owners before a decision could be made on a restriction. Mr. Davis requested that this application be postponed.

Mr. Glenn Cortez, Assistant City Attorney, advised Mr. Davis and the Commission that if the purpose of the postponement is for the setback agreement, then the Commission would then be faced, with deciding to whether or not to accept a restrictive covenant which is usually left up to the City Council.

The Commission members discussed this request and felt that it should be denied; however, they stated they would look with favor on the requested "O" Office, Second Height and Area zoning provided a 25 foot setback is required from West 34th Street.

C14-67-81 Charlie A. Davis, et al--contd.

After further discussion, the Commission unanimously

VOTED: To recommend that the request of Charlie A. Davis, et al for a change of zoning from "O" Office, First Height and Area to "O" Office, Second Height and Area for property located at 700-712 West 34th Street and 400-404 King Street be DENIED.

C14-67-82 Donald & Nita Kitley: A to O
 809 Park Boulevard
 Add'n Area: 811-813 Park Boulevard
 4120-4124 Red River Street

STAFF REPORT: The subject property contains 12,480 square feet of land which is developed with a single-family dwelling. The applicant did not state a proposed use on the application. The staff has included two lots, containing 23,550 square feet, between the subject property and Red River Street. The area along Park Boulevard is developed with very sound residences. St. Mary's Academy is located on property adjoining to the south and Hancock Shopping Center, zoned "GR", is located on property across Red River Street to the east. Single-family development exists north of Hancock Center and northwest of the subject property. Recent zoning requests in this area involve three major applications. The first request, in 1962, was for "B" Second Height and Area zoning on property to the north which was later withdrawn. In 1965, a request for "B" First Height and Area was made on the same property and was again withdrawn. Later, in 1967, a request for "O" Office zoning was made on this property and was granted by the City Council. Last month, a request for "O" Office zoning was made on property on the northwest corner of Park Boulevard and Red River Street. The Commission recommended denial of the request as it was felt that the property was oriented towards Park Boulevard, a residential street, and not Red River Street; however, the Council did grant the request with the condition that both lots under consideration be used as one site. The Ordinance has not been passed at this time, as the applicants have not submitted an agreement or covenant stating that two lots will be used as one site. Red River Street, with a present right-of-way of 80 feet is a major arterial and is adequate in terms of the adopted Thoroughfare Plan standards. Park Boulevard, with a present right-of-way of 60 feet is also adequate; however, the paving on this street is only 30 feet. The staff feels that the requested zoning on the subject property without consideration of the additional area, would be an encroachment into a well-defined residential area. It is also felt that the existing development on the property along Park Boulevard is oriented towards Park Boulevard and not Red River Street; therefore, the staff recommends denial of this request.

TESTIMONY

WRITTEN COMMENT

Code

?	Mr. & Mrs. Robert A. Manire:	719 Park Boulevard	AGAINST
D	Mr. & Mrs. Raymond F. Dawson:	723 Park Boulevard	AGAINST

C14-67-82 Donald & Nita Kitley--contd.

S	Mr. & Mrs. Theron D. Carroll: 800 Park Boulevard	AGAINST
H	Lillie J. Zarkison: 807 Park Boulevard	AGAINST
G	Guy Gifford: 805 Park Boulevard	AGAINST
F	Joel L. Aldridge: 803 Park Boulevard	AGAINST
E	Mrs. D. S. Hughes: 801 Park Boulevard	AGAINST

PERSONS APPEARING AT HEARING

Code		
A	Nita Kitley. (applicant)	FOR
M	Mrs. Fred Coffey: 810 Park Boulevard	FOR
M	Fred Coffey: 810 Park Boulevard	FOR
K	Albert A. Tisdale: 4205 Caswell Avenue	AGAINST
K	Mrs. Albert A. Tisdale: 4205 Caswell Avenue	AGAINST
S	Mrs. T. D. Carroll: 800 Park Boulevard	AGAINST
G	Guy Gifford: 805 Park Boulevard	AGAINST
?	W. R. Fristoe: 713 Park Boulevard	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Nita Kitley, one of the applicants, appeared at the hearing in support of this request, and stated that a zoning change is requested because of the recent zoning changes in this area. The requested zoning is in accordance with the changes in the area such as Hancock Center.

Arguments Presented AGAINST:

Three nearby property owners appeared in opposition to this request as they felt that the area along Park Boulevard and Caswell Avenue is a very sound residential area. There are above average homes in the area and the people object to the commercialization of Red River Street being spread in this direction. Most of the homes in the area are owner-occupied and the requested zoning would be an encroachment. There is congestion in the area because the employees of Hancock Center park on Red River and Park Boulevard; the granting of this request will only increase this hazard. When Hancock Center was developed the people in this area were told that it would not effect this residential area and the rights of these property owners should be considered.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be denied as the requested zoning would be an encroachment into a well-maintained residential area. At the Commission meeting, Mr. Smith stated that he disagreed with the Committee recommendation because of the existing zoning in the area: "O" Office and "GR" zoning across Park Boulevard and Red River Street.

C14-67-82 Donald & Nita Kitley--contd.

Mr. Riley stated that Red River Street is a commercial street whereas Park Boulevard is only a residential street with residential development. If the zoning change is granted on the subject property, this would tend to set a precedent down Park Boulevard.

Mr. Foxworth explained that the City Council did grant "O" Office zoning on the property across Park Boulevard to the north subject to a short form subdivision combining the two lots involved into one lot, with access from Red River Street. The applicant has contacted the staff with regard to the short form subdivision of the property.

Mr. Wroe stated that when a street is changed in the Master Plan, problems develop along the entire length of the street. The property becomes unsaleable as residential "A" property because of the traffic and development that occurs. Some consideration should be given to developing within the Zoning Ordinance, some type of zoning that will permit the periphery areas to change and write in protection for the adjacent properties on the neighborhood streets. After further discussion, a majority of the members concurred with the Committee recommendation and

VOTED: To recommend that the request of Donald & Nita Kitley for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 809 Park Boulevard and the additional area located at 811-813 Park Boulevard and 4120-4124 Red River be DENIED.

AYE: Messrs. Jackson, Wroe, Brown, Dunnam, Bluestein, Riley, Hazard and Mrs. Naughton

NAY: Mr. Smith

ABSENT: None

C14-67-83 Bobby Gene Boyd: A to B
 300 Franklin Boulevard
 5400-5404 Chesterfield Avenue

STAFF REPORT: The subject property, containing 12,000 square feet, has 75 feet of frontage on Franklin Boulevard and approximately 160 feet of frontage along Chesterfield Avenue. The stated purpose of the application is for apartment development. The City has a 35 foot drainage easement along Chesterfield Avenue which involves the subject property. It is the staff's understanding that the easement area can be used for figuring square footage but the applicant will not be allowed to build on this easement. In 1964, an application for "B" zoning was made on the property between Franklin Boulevard and North Loop Boulevard. At the time, the Committee was concerned with the intrusion of apartments on the rear portion fronting onto Franklin Boulevard which is a minor residential street. They were in favor of granting "B" as requested for the front portion as access would be from North Loop Boulevard. At the Commission meeting, the applicant submitted a letter requesting that the rear portion of the application be

C14-67-83 Bobby Gene Boyd--contd.

withdrawn. The Commission then recommended in favor of the request. In March of this year, application for "B" zoning was filed on the rear portion of the property, located across the street to the south of the subject property. The Commission recommended denial because access would be from Franklin Boulevard, a minor residential street with only 50 feet of right-of-way and because this is a single-family residential area; however, the Council granted the requested zoning. There is "O" and "C" zoning to the south of North Loop Boulevard. The staff recommends that the requested zoning on the subject property be denied because the proposed apartment use would be an intrusion into a low density residential and because of inadequate street right-of-way on Chesterfield Avenue.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A Bobby Gene Boyd (applicant)

FOR

SUMMARY OF TESTIMONY

Mr. Bobby Boyd appeared at the hearing and stated that he represents his father who is the owner of the subject property. He offered the following information: After talking to the Planning Department of the City, it appears that the main objection to this request is the parking and penetration problems. Any construction of a small apartment house on the subject property will be provided with ample off-street parking facilities so that there will be no cluttering of the neighborhood with cars. The property is a corner lot where Franklin Boulevard opens into Chesterfield. The tenants of the proposed development have adequate circulation as they can go to North Loop Boulevard or Koenig Lane. When Guadalupe Street is opened into a wide thoroughfare, the area will be even more centrally located and better equipped to carry more traffic. The property in question is only large enough to build a maximum of six units. There will be no parking or traffic problem now or in the future. As far as the discussion about penetration, there is no doubt that this area will and is changing. The proposal on the subject property will upgrade the area and will penetrate into a neighborhood where most of the houses are inexpensive rental units. There are also several duplexes in the area. Across from the subject property apartments are being built. Rental property, whether used as a tax expense or outright profit is a business. The intrusion of rental property already exists into this area. Commercial businesses established in the area are located at the southeast corner of North Loop Boulevard and Leralynn Street and the Chief Drive-in Theater located to the north on Lamar Boulevard. The drive-in theater may have the entrances and exits on North Lamar, but the screen faces into this residential area. During the winter months, the

C14-67-83 Bobby Gene Boyd--contd.

noise from this theater penetrates into this area much more than the proposed development. Within 300 feet of the subject property there are several houses that are so run down that the City has posted a sign that they are unfit for habitation. The subject property area will eventually be a freeway which will disrupt the neighborhood more than the proposed development. This is a very special piece of ground but it can be benefited with the type of construction proposed. Because of the development in the area, it would be unsatisfactory to develop it as residential property.

Mr. Boyd further stated that he talked to several of the neighbors and they do not object to the proposed change.

Mr. Wroe asked the applicant about his proposals concerning the drainage easement. Mr. Boyd explained that there are no plans to develop over the easement at this time although in the future it may be covered so the area can be used for parking.

One nearby property owner appeared in favor of the request and stated that he feels the requested zoning would be good for property values.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be denied as it would be an encroachment into a residential area with inadequate streets to serve a higher density.

At the Commission meeting, Mrs. Naughton stated that in her opinion the requested zoning on the subject property would give some incentive in this area for further development. Any new construction would be advantageous to the area. In view of the drainage ditch along the side of the property, it is ideally suited for the development of very beautiful duplexes.

Mr. Riley stated that the applicant can develop the property under the present zoning with duplexes. The zoning of this property would create a larger pattern of strip zoning down Chesterfield Avenue. It is agreed that a change in the area is needed, but the entire area should be considered rather than piece-meal zoning. After further discussion, a majority of the members concurred with the Committee recommendation and

VOTED: To recommend that the request of Bobby Gene Boyd for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 300 Franklin Boulevard and 5400-5404 Chesterfield Avenue be DENIED.

AYE: Messrs. Jackson, Wroe, Brown, Dunnam, Bluestein, Riley, Smith and Hazard

NAY: Mrs. Naughton

ABSENT: None

C14-67-84 Anna Gardner & George H. Walker: B to LR
 3001-3005 Speedway
 300 East 30th Street

STAFF REPORT: This application covers an area of 9,000 square feet of land which is undeveloped. The subject property contains two small parcels of land that were so split in 1944 or 1945. The area to the north and east is developed predominantly with apartments. Apartments are also developed on property to the west across Speedway Avenue. "LR" Local Retail property is located along San Jacinto Boulevard to the south. The University expansion program will include the area between East 27th Street, Speedway and San Jacinto Boulevard. The streets in this area are adequate; however, there are traffic problems inasmuch as the subject property is located at a 5-way intersection. East 30th Street is scheduled to be widened from the existing 60 feet of right-of-way to 90 feet of right-of-way which will require 30 additional feet. The alignment of this right-of-way has not been set at this time. The staff's main objection to this request is the egress and ingress at this intersection and reduction in the setback requirement from 25 feet to 10 feet. Another point of consideration is the size of the two small parcels involved in this application. The staff feels that the two lots should be combined into one site. Therefore, it is recommended that "O" Office, Second Height and Area zoning be considered as the proposed use could be developed on the property by special permit.

TESTIMONY

WRITTEN COMMENT

Code

X	A. J. McNeely: 109 East 31st Street	FOR
A	Anna Gardner: 2420 Willing, Ft. Worth	FOR
K	Paul E. Pressler: 2520 Spring Lane	AGAINST

PERSONS APPEARING AT HEARING

Code

John B. Selman (representing applicant)	FOR
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SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, representing the applicant, presented a copy of a layout on this particular location. He stated that the University of Texas is moving closer to this area which will require more commercial and apartment development. The request will be a continuation of the existing zoning that is south, east and west of this area. San Jacinto Boulevard has a traffic count of 8,500 cars a day. The street the staff is concerned with is Speedway which carries only 1,880 cars per day. The proposed development on the subject property will be a drive-in grocery and laundromat. The drive-in grocery will be located at 3001 Speedway and the laundromat will be located at 3005 Speedway. The Planning Department staff is also concerned about the reduction of setback and about the two parcels being combined as one site.

C14-67-84 Anna Gardner & George H. Walker--contd.

A drive-in grocery business always plans to setback approximately 45 feet so that the front portion of the property can be used for customer parking. The plans for the property are to build as one unit so the staff's objection to the two tracts is removed. Commercial businesses at this location are suitable because of the existing intersection and the easy ingress and egress. The applicant would be opposed to "O" Office zoning as recommended by the staff as it would require another application to the Planning Department for a special permit.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request because of the traffic that would be created by the proposed development.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as an extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Anna Gardner & George Walker for a change of zoning from "B" Residence, Second Height and Area to "LR" Local Retail, Second Height and Area for property located at 3001-3005 Speedway and 300 East 30th Street be GRANTED.

C14-67-85 John A. Flache: A to C
 1505-1909 Montopolis Drive
 6300-6506 Riverside Drive
 1504 and 1902 Vargas Road

STAFF REPORT: The subject property, consisting of 8.17 acres of undeveloped land, is a part of a 23 acre tract of land. The 8.17 acres under consideration is the only portion of the 23 acre tract that is within the city limits. The entire tract is bounded by Riverside Drive, Montopolis Drive, Vargas Road and the rear property line of lots fronting Santos Street. The stated purpose of the application is for future commercial use. The original application was a request to change the area under consideration to "C" Commercial First Height and Area zoning but Mr. Richard Baker, representing the applicant, made an oral request to amend the application from "C" Commercial on the total tract to "C" Commercial on that area south of the extension of Kasper Street and along Riverside Drive; "GR" General Retail for the area from Kasper Street to Langham Street; to "LR" Local Retail for the area from Langham to the north property line and leave the northern most 35 foot of the subject property as residential "A". Development in the area is predominantly single-family with scattered commercial development that has been existing in most instances since the area was annexed to the City in 1951. There are also some large undeveloped tracts of land existing in the area. At the northwest intersection of Montopolis

C14-67-85 John A. Flache--contd.

Drive and Fairway Street, there is a proposal to develop 200 low cost homes on approximately 45 acres of land. A request for "C" Commercial, Sixth Height and Area zoning on property to the west of Montopolis Drive, abutting the same district, which is developed with a garage, has recently been granted although the Ordinance is pending adequate right-of-way for Montopolis Drive. "LR" zoning was granted on property at the southwest corner of Fairway Street and Montopolis Drive in 1965 and a convenience center is established. An application for high density use was recently made on property on Langham Street but the request was withdrawn.

A drive-in theater is under construction on the balance of the 23 acre tract which is outside of the city limits. The screen has already been constructed and the snack bar is in the process of being constructed. Most of the area has a base for paving, and a slab for a box office has been laid at the north portion of the property where a driveway for the entrance and exist was started and then stopped when the applicant was made aware of the fact that they were not in compliance with the Zoning Ordinance.

There is a proposed thoroughfare to the west, generally paralleling Montopolis Drive, between the Austin Country Club and the bluff. Montopolis Drive, with a present right-of-way of 45 feet, is a neighborhood collector that is proposed to be widened to 70 feet with 44 feet of paving. Under the Capital Improvements Program, to be submitted to the City Manager this month, the Montopolis paving project is scheduled for 1970. It was originally scheduled for 1968, but because the traffic demand had not developed as anticipated, the paving was deferred until 1970. Riverside Drive, with a present right-of-way of 75 feet, is proposed to be widened to 120 feet at this location. Because of the development on the south side of Riverside Drive, it has been determined that most of the necessary right-of-way will be required from the subject property. The alignment will then swing south, towards the intersection of Montopolis Drive and Riverside Drive and the right-of-way to the west will then come from the south side of the street.

The staff recommends that the application as amended be granted provided the right-of-way of Montopolis Drive be made adequate, and provided that the applicant either setback 65 feet from the right-of-way line of Riverside Drive or provide for the necessary widening. The setback of 65 feet would allow for the necessary 40 feet of widening and a 25 foot setback which is required under the Zoning Ordinance. The staff feels that the requested zoning, as amended, would be a logical extension of the existing zoning pattern for this area because of the changes that have occurred and the expectation that Montopolis Drive will be a major carrier of traffic through the area.

C14-67-85 John A. Flache--contd.

TESTIMONY

WRITTEN COMMENT

Code

U	Douglas Barron: 6205 Langham	FOR
?	Janis Foster: 6313 Crumly Lane	AGAINST
?	Ray Moncivais: 6103 Club Terrace	AGAINST
?	Mrs. Bettie Bell: 610 Kemp Street	AGAINST
?	Johnny R. Scott: 6502 Ponca	AGAINST
?	Mae Nell Taylor: 608 Kemp Street	AGAINST
?	Frank Henry: 6206 Walker Lane	AGAINST
?	Annie Spruell: 700 Short Kemp	AGAINST
?	Myrtle Robinson: 6204 Walker Lane	AGAINST
?	Willie Mae Hardin: 606 Kemp Street	AGAINST
?	L. E. Swist: 6119 Atwood Street	AGAINST
?	Ruby Prosser: 606 Montopolis Drive	AGAINST
?	Mary Lewis: 6100 Ponca	AGAINST
?	Alberta Wilson: 6017 Atwood Street	AGAINST
?	Hazel Richardson: 6611 Hergotz Lane	AGAINST
?	Mrs. Rufus Johnson: 6818 Riverside Drive	AGAINST
?	Freeman Jones: 6501 Ponca	AGAINST
?	Mrs. Lupe U. Moncivais: 6200 Club Terrace	AGAINST
?	Mary Alice Scott: 6410 Ponca	AGAINST
?	R. C. Scott: 6408 Ponca	AGAINST
?	Cleo William: 6409 Lynch Lane	AGAINST
?	Rudy Reyes: 804 Montopolis Drive	AGAINST
?	Mrs. Aravia Scott: 6502 Ponca	AGAINST
?	Jesse C. Ybarra: 808 Montopolis Drive	AGAINST
?	Lillie R. Ybarra: 808 Montopolis Drive	AGAINST
?	Mrs. Myrtle Atwood: 508 Montopolis Drive	AGAINST

PERSONS APPEARING AT HEARING

Code

	Richard Baker (representing applicant)	FOR
?	Ray Moncivais: 6103 Club Terrace	AGAINST
?	Richard N. Moncivais: 6201 Club Terrace	AGAINST
?	Alice L. Moncivais: 6201 Club Terrace	AGAINST
?	Mrs. Cruz Hernandez: 6108 Caddie Street	AGAINST
?	James Sherwood: 1211 Vargas Road	AGAINST
?	Mecario R. Reyes: 804 Montopolis Drive	AGAINST
?	Mrs. Mary Vasquez: 6609 Porter	AGAINST
?	Mrs. Lillie R. Ybarra: 808 Montopolis Drive	AGAINST
?	Victor Ramirez: 916 Vargas Road	AGAINST
?	Daniel Pena: 6600 Club Terrace	AGAINST
?	Jorita Pena: 6600 Club Terrace	AGAINST
?	Mrs. Alex Pina: 6605 Porter	AGAINST
?	Alex Pina: 6605 Porter	AGAINST
?	Victor Arias: 6403 Felix Avenue	AGAINST

C14-67-85 John A. Flache--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, representing the applicant, presented the following information: With regard to the right-of-way for Montopolis Drive, the applicant is willing to dedicate up to 15 feet of right-of-way if this is what the Planning Department concludes is necessary for the future widening of the street. In discussions with the Planning Department, it was understood that a 40 foot setback along Riverside would be proper; however, it has been indicated by the staff that 65 feet is necessary. This has not been discussed with the applicant but there should not be any objection. The staff stated that a fence should be provided for the protection of the existing residential development. This is called for in the plans and specifications of the drive-in theater. It is true that the proposed usage and development on this tract is to be an interim use. The original application was filed for "C" Commercial zoning for the entire area. Under the Zoning Ordinance "C" Commercial zoning is needed to operate a driving range which is tentatively planned. The original intent was to make an interim use for the balance of the tract occupied by the drive-in theater and to arrange the "Tee" basis so that it would be off of Riverside Drive. The reason for this is that the lights would not reflect on the screen. After discussion, it was concluded that other arrangements could be made and the request was made for an amendment to the application. "C" Commercial zoning is now requested for the portion of the property fronting onto Riverside Drive to Kasper Street as a continuation and extension of existing zoning that has been granted by the Commission and the Council. The auto garage to the south across Riverside Drive was zoned "C" Commercial in 1952 by application. The garage located at the intersection of Montopolis and Riverside Drive was in existence when the property was annexed. Another application for "C" was recently filed on property to the west across Montopolis Drive and although it is still pending, the recommendation is to grant. At the intersection of Montopolis and Fairway Street there is now located a new building that is occupied and used for local retail purposes. This zoning was granted in 1965 and construction was started. The amended request as submitted, would be consistent with the pattern adopted by the Commission to provide buffer zones from a more intensive zoning to a less intensive zoning. The 35 foot strip of the subject property to the north is now zoned Interim "A". Adjoining this tract is a "C" Commercial classification although the property is not being used for that purpose.

The applicant is not a resident of the City of Austin and when he undertook construction of the driveway located at the most northerly point of the tract he went to the Building Inspector and was advised that he could not continue construction as this was in violation of the Ordinance. It was recommended that he go to the Board of Adjustment to obtain a temporary relief from the Ordinance so that he could finish the construction. The Board of Adjustment was advised that they did not have jurisdiction. The applicant is requesting this change so that construction can be completed.

C14-67-85 John A. Flache--contd.

Mr. Baker further stated that it is his understanding that all of the grading and topping has been completed with the exception of the portion of proposed driveway through the subject site. Until this zoning change is acted on, the applicant cannot continue with the construction. It is realized that there is a great deal of objection by the residents in this area. The primary objection is to the theater. There is no argument as to the merits or lack of merit of the theater as it is constructed outside of the city limits, with the requirements of the county. The construction of the theater is almost completed and the use of that particular portion of the tract is not under the jurisdiction of the city and should not detract from the requested zoning.

Mr. Riley asked if the north 35 feet of the subject property will be left as "A" Residential. Mr. Baker stated that it is felt that this 35 feet would be a sufficient buffer. The applicant feels that there is no requirement to have that portion of the property rezoned and intends to leave it as it is.

Mr. Riley was of the opinion that "B" Residence would serve as a more protective buffer for the existing residential development. Mr. Baker replied that there would be no objection to this from the applicant. He further stated that it is his understanding from conversation with the applicant, they envision this site basically to be used as a shopping center at some future date. Pending this development, the utilization of the site in the manner proposed is proper in order to get some return on the investment of the property.

Mr. Baker stated that while many problems exist in Montopolis the matter before the Committee and Commission is whether or not the zoning application is consistent with the zoning in the area. The development of the area will not be held back as a result of any action by the Committee to grant this request. In fact, it is most probable that it will be improved. One of the problems involved seems to be the paving of Montopolis Drive. Owners of the subject property are willing to give 15 feet for a distance of 1,385 feet for the additional widening of Montopolis Drive. This will probably mean that approximately 20,000 square feet of land will be dedicated to the City for widening purposes. It is plans such as this that enable the City to construct streets that are necessary. Vargas Road was paved because it needed to be paved for the benefit of the citizens living in that community. Businesses that are honest and legitimate improve any community. This zoning change will put people in a position where they can attempt to bring community service type facilities to the area. The applicant is putting the property to its highest and best use by constructing a drive-in theater. It must be to the benefit of the people in the area or it will not be patronized. When this development occurs in the area some of the things that need to be done will be. In relation to the entrance and exit onto Montopolis Drive, the primary objection is not in opposition to the drive-in but it is an effort to stifle the change of zoning from "A" to "LR." The people in the area agree that a change to "LR

C14-67-85 John A. Flache--contd.

zoning would be a welcome change if the area was to be developed with business facilities that are allowed under this classification. It is realized that it is difficult, not only for the people in the area, to attempt to separate issues which have such strong emotional appeal as this. The change requested would be in accordance with the general overall consistent zoning pattern that has been adopted.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to this request. Mr. Ray Moncivais, representing the property owners, presented the following information: There is a ruling in the Zoning Ordinance that people within 200 feet of a site should be notified of a requested change in zoning. A total of 47 letters were mailed to the property owners in this area and many more should have been notified as the change will effect the entire Montopolis area.

The applicant has proposed an entrance and an exit from the drive-in theater onto Vargas Road. He has started construction of another entrance and exit onto Montopolis Drive. The people in the area know that nothing can be done about the construction of the drive-in as that portion of the property is located outside of the city limits; however, there is opposition from the area to the entrance and exit onto Montopolis Drive, as it is felt that this would give the flow of traffic onto Montopolis Drive. The street is so narrow now that two lane traffic is almost impossible. The Montopolis area is classified as a poverty pocket because the average income is only \$2700 per year. The people are so poor that they will not be getting the use of the theater. There is a total of four churches, a community center and a book mobile in this area that is used exclusively by this community. Approximately 65% of the people are Mexican-American people and the rest of the population is a mixture so there are no integration problems that exist. This area does have a bad reputation for crime. The last murder in Austin was committed in Montopolis. The last traffic injury was also in Montopolis which was caused by someone speeding down Vargas Road as this road is not controlled too well by the Police Department. If the proposed zoning change is denied, the traffic in and out of the theater will have a tendency to flow towards Riverside Drive and then towards town rather than through the Montopolis area. One entrance will be sufficient as lives would be jeopardized if the traffic flows onto Montopolis Drive. The normal disturbances will increase on this street that is heavily travelled by children. The actual figures are not known, but the crime rate is going down. The construction of a drive-in theater was discussed with Police Chief Miles, and he said that any time there is a drive-in theater in a residential area, the bottle throwing from cars leaving will cause a hazard. When teenage boys go to drive-in theaters and drink, they know they would not want to get caught with bottles in the car so they throw them out. Any entrance or exit onto Montopolis would have a tendency to make any bottle throwing be on Montopolis Drive. This would jeopardize the people walking along the street. The citizens of this area are very

C14-67-85 John A. Flache--contd.

aroused as they have tried to build a community they can be proud of as part of Austin. Attempts have been made to get transportation to the area but they were unsuccessful until federal grant was made available. The people in the area are trying to upgrade themselves. They are uneducated people that do not make very much money and it is hard for them to understand how the proposal can be allowed when it is detrimental to the area.

For 17 years the people have tried to get Montopolis Drive paved. Immediately after the theater was constructed, Vargas Road, although it is in the County, was paved. People are wondering why the City paved that road after so long a period of time and not Montopolis Drive. There are only two streets off of Montopolis Drive that have been paved within the last two years. Ironically, the two streets that were paved lead to the Austin Country Club. The paving of these streets make it more convenient for the people in their large cars to drive to the Country Club. Long range paving of Montopolis Drive was proposed for 1968, and now it has been moved to 1970. This point is not understood by these people and they do not trust the City anymore.

There was a drive-in theater in this area that burned down twice. The last 60 days it was in operation there was a total of 47 gang fights and three rape cases. The last time the theater burned down, the owner decided it was not worth the money to rebuilt it. The applicant has promised to build a first-class theater. He has talked about the possibility of a community center and shopping center. The people in the area would be in favor of this but they do not believe anyone as promises have been made and broken to the citizens.

There was a neighborhood meeting in this area last night. It is not easy to get people to attend these meetings as they do not even trust the people in this community. The only people that have shown an interest in this area are the people that live here. If Montopolis Drive was paved, the people in the area would not be as opposed to the drive-in theater; however, until it is paved the change is opposed and the zoning should be left as it is. There would be no opposition to "LR" Local Retail type facilities as the community type services allowed under this classification are needed in the area. A zoning change to permit an entrance and exit onto Montopolis Drive would not better this community.

Reverend A. DeWitty appeared at the hearing and stated that he has been a pastor in this community for 20 years. The colored people in this area are not interested in the theater as it is permitted in the county, but there is concern about the entrance and exit being onto Montopolis Drive. This is a dangerous street and the proposed zoning would only increase a problem that is existing.

C14-67-85 John A. Flache--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request as originally submitted should be denied; however, in terms of existing zoning pattern in this neighborhood, they stated they would look with favor on granting "C" Commercial, First Height and Area zoning from Riverside Drive to the easterly prolongation of the south right-of-way line of Kasper Street, as an extension of the existing zoning on the west side of Montopolis Drive, and "LR" Local Retail, First Height and Area zoning on the remaining portion of the property with the provision that the right-of-way of Montopolis Drive be made adequate. They further recommended that a building line be established 65 feet north of Riverside Drive right-of-way line to provide for future widening and development of Riverside Drive.

At the Commission meeting, Mr. Stevens reported that a letter with regard to the necessary right-of-way for Montopolis Drive has not been received. Mr. Jackson stated that Mr. Richard Baker, representing the applicant, has stated orally that right-of-way will be provided.

Mr. Dunnam advised the Commission that Mr. Ray Moncivais, representing a number of people from the Montopolis area, appeared at the Zoning hearing and stated that the existing "C" Commercial zoning on Riverside Drive is actually developed with a junk yard. He stated he is concerned as to whether or not "C" Commercial zoning is the appropriate zoning for Riverside Drive even though it does exist.

Mr. Jackson explained that "C" Commercial zoning exists along Riverside Drive and west of Montopolis Drive. Riverside Drive is scheduled to be a major arterial street and the zoning pattern of commercial usage and character has been established. Major streets are usually developed commercially.

Mr. Dunnam stated that in his opinion "GR" General Retail zoning would be logical for the subject property rather than "C" Commercial as the two areas now zoned "C" are areas that were spot zoned as a result of existing usage. Commercial zoning on the subject property does not seem justified in terms of existing usage that was established when the property was annexed to the City.

Mr. Stevens reported that Mr. Baker has indicated that the ultimate development of this large tract may include some commercial recreational facilities and this is the reason that commercial zoning was requested.

Mr. Dunnam explained that a number of people in this area are concerned with improving their area. If "C" Commercial zoning is granted along Riverside Drive, it would allow development such as junk yards and auto garages to be established whereas "GR" zoning would not. "GR" zoning would be a slight improvement over the "C" Commercial as the proposed usage would be permitted by a special permit.

C14-67-85 John A. Flache--contd.

Mr. Jackson stated that "C" Commercial zoning was recently granted on property west of Montopolis Drive in order to square the zoning on the block. "C" Commercial zoning fits the pattern and is an extension of existing zoning.

After further discussion a motion to grant "GR" General Retail and "LR" Local Retail, First Height and Area zoning on the property under consideration failed to carry by the following vote:

AYE: Messrs. Dunnam, Riley and Hazard
 NAY: Mrs. Naughton and Messrs. Jackson, Wroe, Brown, Bluestein and Smith
 ABSENT: None

A majority of the Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of John A. Flache for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 1505-1909 Montopolis Drive, 6300-6506 Riverside Drive and 1504 & 1902 Vargas Road be DENIED but that "C" Commercial, First Height and Area zoning be GRANTED for that portion of the property from Riverside Drive to the easterly prolongation of the south right-of-way line of Kasper Street and "LR" Local Retail, First Height and Area zoning for the remaining portion of the property.

AYE: Mrs. Naughton and Messrs. Jackson, Wroe, Brown, Bluestein and Smith
 NAY: Messrs. Dunnam, Riley and Hazard
 ABSENT: None

C14-67-86 N. A. Giblin: A to B
 1606-1700 and 1706-1802 Dalton Lane
Add'n Area: 1702-1704 Dalton Lane

STAFF REPORT: This application covers two tracts of land totaling 46,786 square feet. Two lots between Tract 1 and Tract 2 have been included as additional area in order to complete the zoning pattern. The stated purpose of the application is for apartment development. In March of this year, an application for "B" First Height and Area zoning was made on property adjacent to the east of Tract 2. The Commission felt that the requested zoning would be the highest and best use for the property and recommended that the request be granted inasmuch as the applicant offered to dedicate from "O" to 10 feet for the necessary widening of Dalton Lane. The request has been granted by the City Council. Dalton Lane has from 40 to 60 feet of right-of-way which will require additional widening from Tract 2 and the additional area in order to bring the street to a standard width. The remaining right-of-way will come from the south side of the street. The alignment of Dalton Lane has been set because of the depth of the lots on the north side. Because the property is approximately 2,000 feet from the instrument landing field of Bergstrom Air Force Base, there is a height

C14-67-86 N. A. Giblin--contd.

limitation of 20 feet. This has been discussed with the applicant and he feels that the limitation will not present any problems. The staff recommends that this request be granted, provided the street is made adequate, as the requested zoning is a logical extension of existing zoning.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A N. A. Giblin (applicant)

FOR

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that he owns lots 3, 4, 5 and 6 in this area and construction of fourplexes has been started on lots 5 and 6. The proposal is to build fourplexes on lots 3 and 4 immediately after construction is completed on the other lots. The development will be a two store structure with the bedrooms upstairs. There will be no problem with the height limitation.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted provided the right-of-way of Dalton Lane is made adequate, as the requested zoning is a logical extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of N. A. Giblin for a change from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1606-1700 & 1706-1802 Dalton Lane and the additional area located at 1702-1704 Dalton Lane be GRANTED.

C14-67-87 Lawrence Banda: A to LR
 809 Vargas Road
 6600-6604 Felix Avenue

STAFF REPORT: This site consists of 15,655 square feet of land which is undeveloped. The area is developed predominantly with single-family and two-family residences; however at this intersection, Felix Avenue and Vargas Road, the existing zoning and development is "GR" and "C", and developed with a grocery store. Vargas Road, with a present right-of-way of 60 feet, is adequate. Felix Avenue with only 50 feet of right-of-way is inadequate

C14-67-87 Lawrence Banda--contd.

and should be widened to 60 feet; however, since right-of-way was not acquired when property at this intersection was rezoned, the staff feels it would be unjust to require the right-of-way from the subject site. It is recommended that this request be granted.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

John Selman (representing applicant)

FOR

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that there is "GR" and "C" zoning and development across the street from the subject property. The applicant plans to erect a small service station on the property and this is in keeping with the existing development at this intersection.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it is a continuation and completion of the existing zoning pattern at this intersection.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Lawrence Banda for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 6600-6604 Felix Avenue and 809 Vargas Road be GRANTED.

C14-67-88 John D. Byram: A to B
 509-701 Wonsley Drive

STAFF REPORT: This application covers an area of 172,430 square feet of land which is undeveloped. The stated purpose of the application is for constructing and leasing of apartments. The area is predominantly undeveloped. There is "C" Commercial zoning existing to the east along the Interregional Highway and "GR" zoning to the south. Directly to the west is a church. To the north, across Wonsley Drive are a few single-family dwellings. Wonsley Drive has 55 feet of right-of-way in front of the subject property, with only 25 feet of paving. This is inadequate and the street should be widened to 60 feet with 40 feet of paving. The entrance

C14-67-88 John D. Byram--contd.

of Wonsley Drive into this area from Interstate 35 has only 40 feet of right-of-way. It is recognized that there is commercial development along the Interregional Highway and there is "GR" zoning to the south. The site could be developed into lots large enough for development of duplexes. We recommend denial of this request as the streets are inadequate, and the ingress and egress into the area will come from the west through residential development and from the Rundberg Lane crossover from the north as Interstate 35 has one way access.

TESTIMONY

WRITTEN COMMENT

Code

U	Mr. & Mrs. Elmer O. Sakewitz: 508 Wonsley Drive	AGAINST
J	Mary L. Willman: 502 Wonsley Drive	AGAINST
S	Marion O. Shrck: 504 Wonsley Drive	AGAINST

PERSONS APPEARING AT HEARING

Code

A	John D. Byram (applicant)	FOR
	Ed Fleming, Jr. (representing applicant)	

SUMMARY OF TESTIMONY

Mr. Ed Fleming appeared at the hearing and presented a map showing the area and the subject property. He stated that this intersection has had a lot of activity in the past few years. There is a motel to be developed on property along the Interregional Highway and to the south there will be townhouse apartments developed. The property owners have agreed to coordinate their construction with construction on the subject property. This property is located in close proximity to the proposed Joske Development. The area is very active for commercial development inasmuch as there is a large car dealer located on the Interregional Highway to the south. The trend is towards dense development of property in this area. This land is selling for approximately \$15,000 or \$20,000 an acre which rules out the economic feasibility of developing the land for residential purposes.

Mr. Fleming further stated that it is his understanding that the Methodist Church Board, previous owners of the subject property, dedicated 15 feet of right-of-way from the subject property for the widening of Wonsley Drive. This property can be served by the Interregional Highway to the east, and Purnell and Georgian Drive to the south. This should provide adequate ingress and egress to the area. If the property is developed to a maximum of 115 apartment units, there would be a maximum of 150 cars on the streets in this area twice a day. This should not create any problem.

C14-67-88 John Byram--contd.

The subject property is vacant at the present time bringing in a minimum amount of tax money to the City. The development that is being planned will be the highest and best use for the property and will bring in more tax dollars.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Wonsley Drive. They recognized that 15 feet of right-of-way for Wonsley Drive has previously been dedicated from the subject property, but felt that the accessibility to and from the site is limited because of the existing 40 feet of right-of-way at the intersection of Wonsley Drive and Interstate Highway 35. The Committee further stated that they were not opposed to the requested zoning in this area as it is a logical extension of the uses developing in the area.

The Committee considered access from the west would be through a residential area while access from the east would be on Wonsley Drive which has 40 feet of right-of-way. Therefore, it was recommended that the acquisition of the proper right-of-way along Wonsley Drive, between the subject tract and Interstate Highway 35, be considered prior to rezoning.

At the Commission meeting, Mr. Fleming offered a letter in support of this request and asked to summarize the contents.

The Commission members felt that all pertinent facts had been covered at the Zoning hearing and agreed not to accept the statement as additional testimony. After further discussion, the Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of John D. Byram for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 509-701 Wonsley Drive be DENIED.

C14-67-89 Spurgeon D. Baskin: A to C
 2213-2217 Anchor Lane
 3300-3306 Manor Road
 Add'n Area: 2219-2227 Anchor Lane
 3230 and 3308-3310 Manor Road

STAFF REPORT: This application covers an irregular shaped tract of land consisting of approximately 2½ acres. Two parcels of land have been included as additional area in order to complete the zoning pattern. The stated purpose of the application is for commercial use. The subject property is a heavily wooded tract which is undeveloped with a creek running

C14-67-89 Spurgeon D. Baskin--contd.

through the site. The area to the south and west is predominantly single-family residential development. In 1965, a request for "C" Commercial zoning was made on property to the west at which time the subject property was included as additional area. The requested zoning was granted for all of the property with the exception of the subject property. In 1965, an application for "LR" and "O" Office zoning was made on two tracts at the intersection of Palo Pinto Drive at which time the Commission felt the requested zoning was too intensive for the area; however the request was granted by the City Council. The Master Plan of this area shows both Manor Road and Anchor Lane to be major arterial streets. Manor Road, with a present right-of-way of 80 feet, is proposed to be widened to 90 feet. The alignment has been established and will require from 0 to 10 feet from the subject property because of an offset in the street. Anchor Lane, with a present right-of-way of 50 feet is scheduled to be widened to 70 feet. Most of this right-of-way will come from the north side of the street which is publicly owned land. The staff feels that the request for "C" Commercial zoning is too intensive for the area and recommends that "LR" or "O" Office zoning be granted as this would be consistent with the Commission's previous development.

Mr. Wroe asked if there is a height limitation in the area. Mr. Lillie presented an aerial photograph showing the relationship of this property to the approach zone which would be a noninstrument approach zone to the runway. He explained that this zone falls approximately in the middle of the area. The height limitation is 150 feet above the reference point of the airport which is 650 feet. The proposed development would have to be checked and cleared through the Airport Zoning Board.

TESTIMONY

WRITTEN COMMENT

Code

AH	Mrs. A. D. McNabb: 5521 Richmond, Dallas	FOR
C	Jeannette Giles: 4102 Balcones	FOR
?	Mildred Hancock: 3401 Red River Street	FOR

PERSONS APPEARING AT HEARING

Code

	Joe R. Long (representing applicant)	FOR
E	Nita S. Barron: 6807 Glenridge Drive	FOR
B	Miss Annie T. Giles: 3900 Cherrywood Road	FOR
C	Dolly Maude Harris: 4102 Balcones	FOR

SUMMARY OF TESTIMONY

Mr. Joe Long, representing the applicant and the prospective purchaser of the subject property, presented a letter from one of the owners of the additional area who is in favor of this request. He stated that the owner of property to the west zoned "C" Commercial has a building that houses a

C14-67-89 Spurgeon D. Baskin--contd.

print company, a warehouse for parts and a general office for various enterprises. He proposes to acquire the subject site for expansion of these facilities and for parking. The parking can be placed on the subject property immediately which would help the congestion in the area as cars are now parked along the street. The proposal on the subject property will make the property more productive with regard to taxes. Commercial zoning for the entire area is appropriate and consistent with established zoning which exists along Manor Road. The area does not lend itself to residential or office type development because of the close proximity of the airport.

Mr. Jim Sloan appeared at the hearing and stated that he represents Nita Barron, owner of one of the parcels included as additional area, who is in favor of this change for the entire area. The requested zoning is appropriate because of the existing zoning, development and the established traffic pattern. Manor Road is a major arterial street which does not lend itself to residential development.

Mr. Joe Crow stated that he is the real estate agent involved in this application. The development of this property under "A" Residential zoning is not very desirable because of the because of the close proximity to the airport.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested "C" Commercial zoning is too intensive for this location on Manor Road, which serves an entrance to Austin Municipal Airport and Morris Williams Golf Course. They stated they would look with favor on "O" Office, First Height and Area zoning, provided Manor Road is made adequate.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Spurgeon D. Baskin for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2213-2217 Anchor Lane and 3300-3306 Manor Road and the additional area located at 2219-2227 Anchor Lane and 3230 and 3308-3310 Manor Road be DENIED.

C14-67-90 J. B. Ford & Thomas C. Wonnack: O to GR
905 East 41st Street
Add'n Area: 911-917 East 41st Street

STAFF REPORT: This site consists of 6,490 square feet and is located in area developed with a mixed zoning pattern. Three additional lots have been included as additional area due to their location between "GR" zoning. Last month, a request for "GR" and "O" Office zoning was made on two tracts of land to the east and south. The Commission recommend that the requested

C14-67-90 J. B. Ford & Thomas C. Wommack--contd.

zoning be granted on Tract 2, fronting onto East 41st Street and also that the zoning be granted on Tract 1, fronting onto East 40th Street, subject to the provision of 10 feet of right-of-way for the widening of East 40th Street. In view of the existing zoning pattern and recent changes in the area and adequate street conditions, the staff recommends that this request be granted.

TESTIMONY

WRITTEN COMMENT

Code

M Irvin G. Anderson: Route 1 Box 80, Nortonville, Kan.FOR

PERSONS APPEARING AT HEARING

Code

K	Mrs. Vidak Weston: 913 East 41st Street	AGAINST
L	Eugene G. Cuenod: 911 East 41st Street	AGAINST

SUMMARY OF TESTIMONY

No one appeared in favor of this request.

Mr. Eugene Cuenod stated that he owns one of the lots being considered as additional area and is concerned about his taxes. He stated that he would be opposed to this request if his taxes are raised as the taxes he is now paying are greater than the taxes on the commercially zoned property adjoining his lot.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the requested zoning is consistent with the existing zoning and development along East 40th Street.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of J. B. Ford & Thomas C. Wommack for a change of zoning from "O" Office, First Height and Area to "GR" General Retail, First Height and Area for property located at 905 East 41st Street and the additional area located at 911-917 East 41st Street be GRANTED.

C14-67-91 H. P. Allen: B to C
1910-1912 Whitis Avenue
Add'n Area: 1908 Whitis Avenue

STAFF REPORT: The subject property consists of 8,750 square feet and is developed with an apartment. The lot adjoining the subject property to the south has been included as additional area as it is between existing

C14-67-91 H. P. Allen--contd.

"C" Commercial zoning and the subject property. The purpose of this application is for a commercial use although it is not indicated on the application. This area has intensive development inasmuch as the frontage along West 19th Street and Guadalupe Street is zoned and developed commercially. To the south of West 21st Street there are three lots which are used for parking. One of the lots is connected with the Catholic Youth Center, located at the intersection of West 21st Street and University Avenue; the other two lots are commercial parking lots. Zoning in this area has been established for a long time. The most recent request was for "C" Commercial zoning on property fronting on University Avenue. The Commission recommended denial of the request as they felt this small area is still residential in character and serves a housing need for the University area. The request is still pending before the City Council. Whitis Avenue has 60 feet of right-of-way which is adequate, but the paving is narrow. The area is congested because of the commercial zoning and development and because of the University of Texas located north of West 21st Street. The streets in this area are used extensively for parking therefore making ingress and egress difficult. The staff feels that this is still a small residential area which is developed with rooming houses, apartments, dormitories, sororities and fraternities. It is felt that this development, while it is surrounded by commercial uses, should be protected from further encroachment. The staff feels this application is an intrusion into a residential area and recommends the request be denied.

The University expansion program covers the area to the east of the alley located between University Avenue and Wichita. As long as the residential area does exist, it serves a purpose in housing University students and should be protected.

TESTIMONY

WRITTEN COMMENT

Code

P	Mrs. Billie A. Davey: 2003 Whitis	FOR
S	Emilie Limberg: 2000 University Avenue	FOR
AA	M. S. Martin: 5802 Lakeview Circle	FOR
U	Hope Yager: 1907 Whitis	FOR
AC	Walter Wukasch: 403 West 19th Street	AGAINST

PERSONS APPEARING AT HEARING

Code

	Al Hestilow (representing applicant)	
?	Eugene Wukasch: 2000 Guadalupe Street	FOR

SUMMARY OF TESTIMONY

Mr. Al Hestilow appeared at the hearing and stated that he would like to put a barber shop on the subject property. He had a barber shop on Speedway for many years and it is felt that the subject property would be an ideal place to locate because of the University students.

C14-67-91 H. P. Allen--contd.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning would be an encroachment into a well-defined residential area and because the traffic situation on Whitis Avenue created by the narrow paving and the parking of cars along the street.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of H. P. Allen for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 1910-1912 Whitis Avenue and the additional area located at 1908 Whitis Avenue be DENIED.

C14-67-92 Richard Rushing & Dr. John Watson: A to BB
1301 Hillside Avenue
Add'n. Area: Rear of 1219-1221 Hillside Avenue
 1223-1229 Hillside Avenue

STAFF REPORT: This application covers an area of 14,418 square feet and is developed with two structures. Two lots to the north have been included as additional area as they are located between the subject property and property zoned "BB" Residential. The stated purpose of this application is for erecting a triplex. The subject property drops approximately 25 feet from the rear property line down to the street. The area is developed predominantly with single-family dwellings and duplexes. "B" Residence zoning exists to the north, east, south and west across Hillside Avenue. "A" Residential zoning exists east of Newning Avenue and south of Park Lane. The staff recognizes that there is a transition in the zoning pattern but the land use pattern is still very consistent. The staff does not object to the requested zoning as it is a logical extension of existing zoning and because the streets serving the area are adequate.

TESTIMONY

WRITTEN COMMENT

Code

AK	Randolph A. Haynes, Jr.: 405 West 33rd Street	FOR
AN	Mr. and Mrs. A. L. McNew: 1206 Hillside Avenue	AGAINST
D	Marjorie Anne Delafield: 206 Fletcher Street	FOR
?	Madrid Apartments: 1202 Newning	FOR

PERSONS APPEARING AT HEARING

Code

A	Richard Rushing (applicant)	FOR
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C14-67-92 Richard Rushing & Dr. John Watson--contd.

SUMMARY OF TESTIMONY

One of the applicants was present at the hearing and stated that the requested zoning change has been discussed with the immediate neighbors and they are in agreement. It is felt that the proposed development would be a good improvement for the area. The intent is to put a duplex on the back portion of the lot and tie it to the main house.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the requested zoning is in keeping with the changing character of the area and is a logical extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Richard Rushing & Dr. John Watson for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1301 Hillside Avenue and the additional area located at 1223-1229 Hillside Avenue be GRANTED.

C14-67-93 Carey Legett, Jr. & Georgia Legett: O, 1st to C, 4th
802-810 Comanche Street
2900-2904 Swisher Street

STAFF REPORT: This application covers an area of 32,021 square feet of land which is undeveloped. The stated purpose of the application is for construction of an apartment-office complex. The area along the creek is heavily wooded and the creek runs through the subject site. St. David's Hospital is established on property to the north, and there is a drive to the hospital parking area on a small tract adjoining the subject property to the west. There is an apartment complex existing on property at the corner of Wahrenberger and Oldham Streets. A special permit for a 70 unit apartment dwelling group was recently approved on property to the south. This area is in a transition from low-density to high-density use as the University expansion program will cover a portion of the area. The subject property is served by Comanche and Swisher Streets, both gravel streets with only 50 feet of right-of-way. Oldham Street with only 36 feet of right-of-way is to be paved in accordance with the special permit that was granted to the south. East 30th Street from Comanche Street to Cole Street is dedicated but not open. The 26th Street arterial is proposed for this area which will connect to the west with San Jacinto, 30th and 29th Streets.

With the exception of a rear 5 foot setback, "C" Commercial, Fourth Height and Area zoning as requested will waive the setback requirements. The Zoning Ordinance requirement for this waiver is that all property between two intersections be included and have frontage along the streets. The

C14-67-93 Carey Legett, Jr. & Georgia Legett--contd.

lot abutting the subject site to the west is owned by St. David's Hospital. This property would have to be included in this request in order to waive the setback. If the setback is not waived, there would be a 25 foot setback required from Comanche Street on the westerly 140 feet of the subject tract and a 20 foot setback from the northeast corner of the subject tract along Swisher Street. The setback requirement along Comanche and Swisher Streets as well as the 5 foot setback along the rear of the subject property would greatly reduce the building area.

The staff presented a prospective of the proposed development drawn by Day & Newman, architects for the applicant, which proposes three floors of parking, one of office space, and 8 or 9 floors of apartments. The parking would meet the requirements of the Ordinance. The proposed zoning does not require a minimum square footage per apartment unit and approximately 150 units are proposed to be developed.

There are six inch water lines along Swisher and Comanche Streets and a six inch sanitary sewer line that runs along the north edge of the creek. The water and sanitary sewer lines may not be adequate enough to handle the proposed development at the present time; however, these facilities can be upgraded as the area develops. The Water and Sewer Department is submitting a report on this request that will be presented at a later time. This proposal was also discussed with the Chief of the Fire Department, who has stated that access to the area is needed from both the front and rear of the property in order to provide for proper fire service. The adjoining property owned by St. David's Hospital could be used by the Fire Department to get to the rear area; however, there is no assurance that this drive would be left open as it is under separate ownership. The Fire Department would have to serve this property from Comanche Street. It was also stated that 25 feet of open space at the rear of the property would be required in order to provide the needed area for operating the rescue ladders. This area is within the 150 foot height elevation of the airport which means that a request will have to be made to the Airport Zoning Advisory Committee in order to obtain the proposed height. The staff recommends that this request be denied because of the increased congestion in relation to existing street pattern as well as population on a very small site.

TESTIMONY

WRITTEN COMMENT

Code

Y	Otto Lippman, MD: 9 Medical Arts Square	FOR
M	PRP Building Corporation: 8 Medical Arts Square	FOR
E	Hulon W. Black: 919 East 32nd Street	

PERSONS APPEARING AT HEARING

Code

A	Georgia & Carey Legett (Applicants)	FOR
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C14-67-93 Carey Legett, Jr. & Georgia Legett--contd.

SUMMARY OF TESTIMONY

The applicants appeared at the hearing and offered the following information: The subject property is a very unique piece of ground. There has been a great deal of time and thought spent on what will eventually be the maximum utilization of the property. The activities of the University of Texas and the City of Austin has taken away everything east of the University except this small area. The rest of the area is being or has been developed. This property was studied in order to determine the maximum utilization of this 32,000 square foot site in order to provide off-street parking without traffic congestion on the streets. In order to have enough off-street parking and to make the development of the land economically feasible, the entire area of the subject property has to be utilized. If the area is reduced at all, one tier of off-street parking would have to be deleted which makes the financial feasibility of the development nil. Private housing is going to be needed in this area; the proposal on the subject property is proper and consistent. This is a concentrated and high-density area. St. David's Hospital to the rear is all open area. Obviously 30th Street will be open. The Hospital will, in all probability, have to have a rear access to their parking area so there will be no trouble in getting around the subject site. It is anticipated that East 30th Street will be opened all the way to the subject site. The opening of this street and the paving of Swisher Street will take care of any traffic problem. The proposal on the subject property will provide for 15,000 square feet of medical office space. The intent is for a very high-density use in an area that is going to this sort of development. Thirteen acres is proposed for the LBJ Library and another 75 acres of land has been taken away from private ownership between Red River Street, Comal, 19th and Wahrenberger Streets for the University expansion area. This is a request to make the highest and best use of the property in the area. The proposed change will upgrade the area.

Two nearby property owners appeared in favor of the request and no one appeared in opposition.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because the present street system in this area is inadequate to serve such intensive development as proposed, and to establish such permissive zoning would tend to cause congestion of the streets and burden the adjacent developments. Prior to or with any rezoning of the property for a more intensive use, adequate drainage facilities and street pavement should be provided.

Mr. Dunnam stated that he is not opposed to this request because of the high-density that would be permitted. He felt high density development on the periphery of the University area would be proper, if the streets and utilities were adequate in terms of the surrounding area and the long term use.

C14-67-93 Carey Legett, Jr. & Georgia Legett--contd.

At the Commission meeting, Mr. Stevens reported a letter from the applicants in support of this request. He stated that a paving petition is being submitted for the paving of Swisher Street from Comanche Street to 30th Street, and for the paving of Comanche Street in front of the subject property. A report from the Fire Department has been received stating that the Fire Department does not have driveways for fire apparatus to maneuver in case of fire at the proposed apartment-office building. It is recommended that sufficient driveways for aerial trucks and pumps be provided for this project. The access from the property owned by St. David's Hospital could be closed off at anytime and to get fire equipment to the site there would have to be permission from the hospital.

Dr. Hazard asked about the Master Plan designation for this area. Mr. Lillie stated that the University East Urban Renewal project covers the area from Wahrenberger Street south. This entire area is designated in the Master Plan as a high density residential area.

Dr. Georgia Legett stated that there would not be very much fire hazard as there will be an 8 inch thick masonry wall that fire will not be able to get through. A letter has been received from St. David's Hospital to the effect that they are not in favor of or in opposition to the request as this time.

Mr. Stevens explained that with regard to the paving of the streets, this was before the Commission when "O" Office, Second Height and Area zoning was granted on property to the south. It was felt at that time that 40 feet of paving would be satisfactory in view of the proposed and existing development under "O" Office, Second Height and Area. Mr. Reuben Rountree, Director of Public Works has agreed that when the paving petitions for the streets come in, the paving will be 40 feet.

Mr. Jackson asked about the utilities. Mr. Lillie stated that the Water and Sewer Department will submit a report. The existing lines are only 6 inch lines. Dr. Legett stated that this problem and the drainage problem was worked out two years ago.

After further discussion, a majority of the members concurred with the Committee recommendation and

VOTED: To recommend that the request of Carey Legett, Jr. and Georgia Legett for a change of zoning from "O" Office, First Height and Area to "C" Commercial, Fourth Height and Area for property located at 802-810 Comanche Street and 2900-2904 Swisher Street be DENIED.

AYE: Mrs. Naughton and Messrs. Jackson, Riley, Wroe, Dunnam, Bluestein and Smith

NAY: Dr. Hazard

ABSENT: None

(ABSTAINED: Mr. Brown)

C14-67-94 Frank Meece: A, 1st to B, 2nd
 2801-2809 San Pedro Street
 804 West 28th Street
Add'n Area: 800-802 West 28th Street
 2800-2802 Salado Street

STAFF REPORT: This site consists of 25,537 square feet. Two small lots abutting the subject property on the south have been included as additional area in order to complete the zoning pattern. The stated purpose of the application is for apartment development. The area is developed in the south and southeast with apartments, rooming houses, sororities, and dormitories. To the west of San Pedro is predominantly single-family development. "O" Office zoning was recently granted on property to the east, and "LR" zoning was granted on the southeast corner of West 28th Street and Rio Grande. "C" Commercial, Third Height and Area zoning was granted on property to the east fronting onto Nueces Street in 1966. There is an apartment being constructed at the present time on property to the north, fronting onto Rio Grande and Salado Street. The staff feels that the proposed use is consistent with the way the area is developing, but there is some question with respect to right-of-way. Mr. Lillie, Assistant Director of Planning, presented a series of paving widths prepared by the Advanced Planning Department, and stated that the right-of-way width from Salado Street north to 28½ Street varies from 40 feet at the south to 50 feet at the north. Eleven feet of right-of-way was dedicated for the widening of Salado Street from the "B" property adjoining the subject property. If the Commission feels the requested zoning is reasonable for the subject property, right-of-way will be needed for the widening of Salado Street as streets serving high density development should have a minimum of 60 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

AM	William S. Burford: 1624 Hilda Avenue	AGAINST
W	Graham Landrum: 2115 Edgemont Ave. Briston, Tenn.	FOR
AQ	Mr. & Mrs. O. W. Reinmuth: 2808 San Pedro	AGAINST
AA	Mr. & Mrs. Thomas Lemon: 2703 Salado	AGAINST
AP	W. E. Odom: 2810 San Pedro	AGAINST

PERSONS APPEARING AT HEARING

Code

E	Mr. & Mrs. Royce E. Burton: 2803 Salado	AGAINST
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SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

C14-67-94 Frank Meece--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Salado Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Frank Meece for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 2801-2809 San Pedro Street, 804 West 28th Street and the additional area located at 800-802 West 28th Street and 2800-2802 Salado Street be DENIED.

C14-67-95 Dee Roberts: A to BB
1409 Nickerson Street

STAFF REPORT: This site consists of approximately 8,018 square feet of land which is undeveloped. The stated purpose of this application is for apartment development. There is "C" and "B" zoning in the area north of The Circle Street and along South Congress Avenue. The area from The Circle Street to Liveoak and from Nickerson Street to Newning Avenue is predominantly a residential district that is developed with single-family and two-family development. The staff recommends this application be denied as the requested zoning would be an intrusion into a residential area as well as piece-meal zoning.

TESTIMONY

WRITTEN COMMENT

Code

Q Mr. & Mrs. J. K. Wrightman: 208 Park Lane
AH Kelly E. McAdams: 1425 Preston Avenue

AGAINST
FOR

PERSONS APPEARING AT HEARING

Code

William B. Davis (representing applicant)

FOR

SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning would be an intrusion into a well-defined residential neighborhood.

C14-67-95 Dee Roberts--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Dee Roberts for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1409 Nickerson Street be DENIED.

C14-67-96 J. O. Prowse: A, 1st to B, 2nd (Tr.1) & A, 1st to C, 2nd (Tr.2)
 Tract 1: 510-600 East 43rd Street
 Tract 2: 4311-4321 Duval Street

STAFF REPORT: This application covers two tracts of land. Tract 1, fronting onto East 43rd Street contains approximately 2 acres of land and Tract 2, fronting onto Duval Street contains approximately $\frac{1}{2}$ acre. The stated purpose of the application is for constructing an apartment complex on Tract 1 with supporting commercial development on Tract 2. The land use in this area is basically single-family in character although there is "B" Second Height and Area zoning along Duval Street as well as "LR" and "C". "C" Commercial zoning and development is established at the intersection of East 43rd and Duval Streets. "GR" zoning was recently granted on property at the intersection of Avenue H and East 43rd Street. Barrow Avenue, north of the subject property, is paved to Waller Creek. From the creek to the subject property, Barrow Avenue is dedicated but undeveloped, therefore access is not provided to the property from this street. Duval Street, with a present right-of-way of 60 feet, is proposed to be widened to 70 feet of right-of-way which will require 5 feet of additional widening from the subject property. East 43rd Street is a minor residential street with 50 feet of right-of-way. Streets serving high density development should have a minimum right-of-way of 60 feet. In this case 5 feet would be from Tract 1 in order to bring the street to a standard width. The staff has no objection to the requested zoning except for the right-of-way problem.

Mr. Riley stated that the staff has generally objected to this type of zoning as strip zoning. Mr. Lillie explained that the development of the two tracts under consideration is coming in as one development. After considering the right-of-way along Duval Street and the character and zoning in the area, the staff felt that "C" Commercial zoning in this development was not objectionable.

Mr. Wroe asked if the staff would have any objection to the establishment of "B" zoning on the two large tracts to the east of the subject property. Mr. Lillie stated that Waller Creek divides that area from the subject property and provides a natural buffer.

TESTIMONY

WRITTEN COMMENT

Code

AM Edythe B. Rice: 45 Ridge Drive
 AV Viola Friar: 4404 Duval
 B M. C. Cooke: 4317 Duval
 H Dr. Douglas W. Terry: 602 East 43rd Street

FOR
 AGAINST
 AGAINST
 AGAINST

C14-67-96 J. O. Prowse--contd.

PERSONS APPEARING AT HEARING

Code

	Paul D. Jones (representing applicant)	FOR
D	G. E. Ewbank: 4003 Avenue G	?
?	Herbert E. Hargis; Jr.: 4403 Duval	FOR
C	H. E. Hargis: 4401 Duval	FOR
C	Mrs. H. E. Hargis: 4401 Duval	FOR
S	Claude M. Pendley: 505 East 43rd Street	FOR
S	Mrs. C. M. Pendley: 505 East 43rd Street	FOR
?	Eugene Wukasz: 2000 Guadalupe Street	FOR
?	Hazel Pauline Anderson: 601 East 43rd Street	FOR
	John Selman (representing adjoining tract owner)	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Paul Jones, representing the applicant, stated that the tract appears to be isolated from residential development because of the creek that exists to the north and east. Without major street improvements there could be no access to Tract 1 from Barrow Avenue. The major access will be from Duval Street. The property under consideration is a very large tract which is no longer ideally suited for new single-family residential development as it is adjacent to commercial zoning and across the street from "B" Residence, Second Height and Area zoning. The applicant will agree to dedicate 5 feet of right-of-way for East 43rd and Duval Streets. The ideal development for this area is to use the natural terrain in conjunction with the apartment dwelling group concept. If this is done a special permit would be required. The "C" Commercial zoning requested on Tract 2 is a logical extension of the existing zoning which will allow for a reasonable continuation of commercial development. With regard to the large tract north of the site, it is felt that development of this type not be detrimental to the surrounding area. The principle traffic will be channeled onto Duval Street, but exits and entrances will be provided onto 43rd Street in order to complete the traffic flow. Five (5) feet of right-of-way for the widening of Duval and East 43rd Streets will be provided because of the isolation of this tract. The property lends itself to the proposed development which will enhance the area.

Arguments Presented AGAINST:

Mr. John Selman, representing Mr. Lowell Leibermann the owner of the tract adjoining to the east, stated that if the requested zoning is granted on Tract 1, 138 apartment units can be developed. Assuming that the development will be two bedroom apartments, there is a possibility of having 276 cars on this particular tract. East 43rd Street has 50 feet of right-of-way with only 30 feet of paving. If offices or retail facilities are established on Tract 2, this will create a tremendous traffic hazard as all of the traffic will have to flow onto East 43rd Street, Barrow Street and Park Boulevard.

C14-67-96 J. O. Prowse--contd.

This will create a hazardous intersection at East 43rd Street and Duval as there is not a traffic light at this intersection. Mr. Selman presented photographs of the neighborhood that is involved and stated that there is a service station established on property at the northeast corner of East 43rd Street. He further stated that his client has a very expensive home on his property, and is opposed to this change in zoning. He feels that by erecting 138 units on Tract 1, plus an additional 34 apartments if the zoning is granted on Tract 2 would provide for a total of 172 apartments with 344 cars. This does not even take into consideration the fact that some of the people living in this complex may have boats which would increase the traffic flow in the area. It is realized that Waller Creek offers a buffer but the people in the area are opposed because a development of this size would project a tremendous amount of traffic onto the residential streets in the area. It is felt that a zoning change on a tract this large will completely change the area. Mr. Leibermann would prefer that Tract 1 stay residential "A" or at the most "B", First Height and Area so that duplexes or fourplexes can be developed. With regard to Tract 2, it is felt that "LR" zoning would be logical rather than "C". The requested zoning on the tracts involved would be an intrusion into a well-defined residential area.

Mr. Herbert Hargis stated that he owns three lots to the north of the subject property and he does not necessarily object to the commercialization of Duval as it is inevitable. He stated that he bought his property with the hope of building a house on it but if the change is granted on the subject property there will be no way to get access to the lots, and the use of his property will be denied.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of East 43rd and Duval Streets; however, they stated they would look with favor on granting "B", Residence, First Height and Area on Tract 1 and "LR" Local Retail zoning on Tract 2 as the proper zoning for the subject site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of J. O. Prowse for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area (Tr.1) and "C" Commercial, Second Height and Area (Tr.2) for property located at 510-600 East 43rd Street (Tr.1) and 4311-4321 Duval Street (Tr.2) be DENIED.

R146

SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of June 12, 1967, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission. It was therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of June 12, 1967, on the minutes of this meeting.

PRELIMINARY PLANS

C8-64-8 Barton Hills West
Barton Skyway and Barton Hills

The staff reported that the approval of this preliminary plan is about to expire and the applicant is requesting a six months extension in order to keep the approval in force to allow for the final to be brought in without having to resubmit the preliminary. The Commission then

VOTED: To GRANT a six month extension to the approval of this preliminary plan.

SUBDIVISION PLATS - FILED

The staff reported that reports have not been received from several departments and recommended that the following final plats be accepted for filing only. The Commission therefore

VOTED: To ACCEPT for filing the following final plats:

C8-67-44 Angus Valley, No. 6
West Cow Path and Bull Run
C8-67-45 University Hills, Section 4, Phase 4
Hartnell South of Geneva
C8-67-46 Point West of Westover Hills, Section 2
Mesa Drive and Silverspring

C8-67-36 Angus Valley No. 5
West Cow Path

The staff recommended that this final plat be accepted for filing subject to the annexation fee to water district on a portion of the subdivision. The Commission then

VOTED: To ACCEPT for filing the final plat of ANGUS VALLEY, No. 5, pending the required annexation fee to water district on a portion of the subdivision.

C8-62-34 Pleasant Valley, Section 1 (amended)
Lyons Road and Fiesta

The staff reported that this is an amendment to an old plat that was submitted in 1962. One of the problems is drainage as the property is subject to flooding. There has been some fill of the property and the staff is waiting for the drainage report. It is recommended that this final plat, as amended, be accepted for filing only at this time. The Commission then

VOTED: To ACCEPT for filing the final plat of PLEASANT VALLEY, Section 1, (amended).

C8-67-39 Southwind Addition, Section 2
Walnut Drive west of Georgian Drive

The staff reported that this subdivision is located at the west end of Walnut Drive which is presently a dead end stub street running westerly off of Georgian Drive. The preliminary plan of this subdivision was approved at the last Subdivision Committee meeting, subject to the inclusion of Lots 9 and 10 as shown, which actually is a part of Section 1. There is a variance involved in the lot area on Lots 9 and 10 as they do not have 5,750 square feet of lot area as required by the Ordinance for interior lots. The staff recommends the variance be granted due to the fact that this plat is providing additional right-of-way around the cul-de-sac to provide adequate access to Lot 3 and the adjoining property to the north.

Mr. Riley asked about the area of the two lots. Mr. Hudson explained that they are taking off approximately 75 or 80 square feet in order to provide access. The lots originally had adequate footage.

Mr. Stevens explained that the approval of the lots in question creates a technical difficulty with the Zoning Ordinance because the lots will have inadequate area, and will require a variance from the Board of Adjustment before a building permit can be issued.

Mr. Hudson stated that the area of the lots in the cul-de-sac that are being cut off are in the portion of the cul-de-sac that has the curve and is not buildable.

Mr. Cortez stated that the Board of Adjustment would probably require a specific site plan before granting a variance from the Ordinance.

After further discussion the Commission

VOTED: To ACCEPT for filing the final plat of SOUTHWIND ADDITION, Section 2, granting a variance on the area of Lots 9 and 10 with the condition that an application be made to the Board of Adjustment for a variance from the lot area requirement of the Zoning Ordinance prior to final approval of this plat.

C8-67-24 Balcones Village, Section 1
U. S. 183 and Balcones Village Drive

Mr. Thomas Watts, engineer for the developer, requested that the Planning Department staff be authorized to poll the Commission for approval of this plat upon completion of departmental reports.

The staff recommended that this plat be accepted for filing and disapproved pending compliance with departmental reports. The Commission

VOTED: To ACCEPT for filing the final plat of BALCONES VILLAGE, Section 1, and DISAPPROVE pending compliance with departmental reports, authorizing the staff to poll the Commission upon completion.

SUBDIVISION PLATS - CONSIDERED

The staff reported that all departmental reports have been completed and recommended that the following final plats be approved. The Commission then

VOTED: To APPROVE the following final plats:

<u>C8-67-23</u>	<u>Angus Valley, No. 4</u>
	West Cow Path and Mustang Chase
<u>C8-67-11</u>	<u>Burnet Road Terrace</u>
	Burnet Road and Penny Lane

C8-67-22 Sunset View, Section 3
Anderson Lane and Gault Street

The staff reported that one of the conditions of the preliminary approval was that a narrow strip of land not useable as a lot be deeded to D. D. Tisdale, owner of the property abutting this strip. The developers wanted the deed to be recorded simultaneously with the recording of the plat, and the volume and page of the deed to be referenced on the plat. The staff recommends approval subject to this condition.

After further discussion the Commission

VOTED: To APPROVE the final plat of SUNSET VIEW, Section 3, subject to the volume and page of deed to D. D. Tisdale being on the plat.

C8-67-1 Southwind Addition, Section 1, Revised
San Jose and Guadalupe

The staff recommended disapproval of this final plat pending additional easements and compliance with departmental reports. The Commission then

VOTED: To DISAPPROVE the final plat of SOUTHWIND ADDITION, Section 1, Revised, pending the required additional easements and compliance with departmental reports.

C8-67-31 Northwest Hills Belo Horizonte Section
Mesa Drive

The staff recommended disapproval of this final plat pending the volume and page that is required in dedication. The Commission then

VOTED: To DISAPPROVE the final plat of NORTHWEST HILLS BELO HORIZONTE Section pending the condition as outlined.

C8-67-41 Northwest Hills, Mesa Oaks, Phase 4-A
Mesa Drive and Timberline Drive

The staff recommended disapproval of this final plat pending additional easements, compliance with departmental reports and an off-site sanitary sewer easement required. The Commission then

VOTED: To DISAPPROVE the final plat of NORTHWEST HILLS, Mesa Oaks, Phase 4-A, pending the conditions as outlined.

C8-67-40 Northwest Hills, Section 10, Phase 2
Far West Boulevard and Northledge

The staff recommended disapproval of this final plat pending compliance with departmental reports. The Commission then

VOTED: To DISAPPROVE the final plat of NORTHWEST HILLS, Section 10, Phase 2, pending compliance with departmental reports.

C8-67-17 Twin Oaks Industrial Subdivision
Ben White Boulevard and Alpine Road

The staff recommended disapproval of this final plat pending the required fiscal arrangements, shifting of Alpine Road and the setback lines being on the plat. The Commission then

VOTED: To DISAPPROVE the final plat of TWIN OAKS INDUSTRIAL SUBDIVISION, pending the items as noted.

C8-67-20 South Lamar Square
South Lamar south of Treadwell

The staff recommended disapproval of this final plat pending the required additional easements, compliance with departmental reports, tax certificates and a zoning change on the property.

Mr. Foxworth explained that a portion of the property under consideration is zoned "A" Residential and has to be rezoned before the property can be used as proposed. The zoning application has been filed and will be heard by the Zoning Committee at the next regular meeting. After further discussion, the Commission

VOTED: To DISAPPROVE the final plat of SOUTH LAMAR SQUARE, pending the conditions as outlined.

C8-67-6 Deloney Acres
Riverside Farms Road

The staff recommended disapproval of this final plat pending the required fiscal arrangements, additional easements, compliance with departmental reports, tax certificates, and availability of sanitary sewer as septic tanks will not operate satisfactorily. The Commission then

VOTED: To DISAPPROVE the final plat of DELONEY ACRES, pending the items as noted.

C8-66-27 Cameron Park, Section 1
Atkinson Road and Cameron Road

The staff recommended disapproval of this final plat pending fiscal arrangements, additional easements, and compliance with departmental reports. The Commission then

VOTED: To DISAPPROVE the final plat of CAMERON PARK, Section 1, pending the items as noted.

C8-67-3 Cherry Creek, II
Manchaca Road south of Stassney Lane

The staff recommended disapproval of this final plat pending fiscal arrangements, additional easements, compliance with departmental reports, sewer approach main required, tax certificates, and annexation. The Commission then

VOTED: To DISAPPROVE the final plat of CHERRY CREEK, II, pending the items as noted.

C8-66-36 Herman Brown Addition, No. 2, Section 5
Pecos Street and Northwood Road

The staff recommended disapproval of this final plat pending additional easements, off-site sanitary sewer easement required and compliance with departmental reports. The Commission then

VOTED: To DISAPPROVE the final plat of HERMAN BROWN ADDITION, No. 2, Section 5, pending the items as noted.

C8-67-2 Woods Knoll Addition
Maywood Avenue south of Warren

The staff recommended disapproval of this final plat pending additional easements and compliance with departmental reports. The Commission then

VOTED: To DISAPPROVE the final plat of WOODS KNOLL ADDITION, pending the items as noted.

C8-67-26 Lafayette Place
Bullard Drive and White Rock

The staff recommended disapproval of this final plat pending the required fiscal arrangements. The Commission then

VOTED: To DISAPPROVE the final plat of LAFAYETTE PLACE, pending the required fiscal arrangements.

C8-67-35 Jamestown, Section 3
Jamestown Drive and Plymouth Drive

The staff recommended disapproval of this final plat pending additional easements, compliance with departmental reports, and annexation. The Commission then

VOTED: To DISAPPROVE the final plat of JAMESTOWN, Section 3, pending the items as noted.

SHORT FORM PLATS - FILED

The staff reported that reports have not been received from several departments and recommended that the following short form plats be accepted for filing only. The Commission therefore

VOTED: To ACCEPT for filing the following short form plats:

- C8s-67-92 Macmor Acres Resub. of Lot 11, Block A
 Macmora Road
- C8s-67-93 Richland Estates, Section 1, Resub. Lots 9-11 & 33-35
 Hawkins Lane, Harris Lane, and Hyman Lane
- C8s-67-97 Birchwood Addition, Section 2
 Garden Villa and South Center
- C8s-67-98 Johnston Terrace
 Gardner Drive and Jain Lane
- C8s-67-80 Birchwood Addtion, Section 1, Revised
 Birch Street and Center Street

C8s-67-95 Frontier Village, Section 3, Second Resub. of Lot 2
Western Trails and Frontier Trail

The staff recommended that this short form plat be accepted for filing subject to a 25 foot setback line from Ben White Boulevard being placed on the plat. The Commission then

VOTED: To ACCEPT for filing the short form plat of FRONTIER VILLAGE, Section 3, Second Resub. of Lot 2, subject to a 25 foot setback line from Ben White Boulevard being placed on the plat.

C8s-67-90 Walton Annex
Lamar Boulevard and 30½ Street

The staff reported that this short form plat, located at the northeast corner of North Lamar Boulevard and West 30½, involves a variance from requiring the signature of the adjoining owner. A letter has been received from Mr. Sidney Purser, attorney for the applicant, requesting that a variance be granted as the adjoining owner, Mr. William F. Zidell, has refused to join in the platting of this subdivision. The staff recommends that the variance be granted and that this short form plat be accepted for filing only. The Commission then

VOTED: To ACCEPT for filing the short form plat of WALTON ANNEX, granting a variance from the signature of the adjoining property owner.

C8s-67-112 Rev. S. L. Davis Subdivision
Heflin Lane

The staff reported that this short form subdivision is located on Heflin Lane east of F.M. 969. There is a subdivision to the west and to the north by Nash-Phillips-Copus. There is also platted property to the east of the subject property. The applicant wishes to submit a short form subdivision on the two most westerly lots of this subdivision and he is asking for a variance to exclude the balance of the tract as there is a creek of major consideration that runs through the property which separates this portion of the property from the other end of the subdivision. Stone Gate dead-ends into the property which would have to be terminated in the form of a cul-de-sac, meaning that the balance of the tract needs to be given further consideration for drainage problems and a long form for provision of the streets. Due to the circumstances involved, the staff recommends that the variance be granted and that this short form plat be accepted for filing.

Mr. Thomas Watts, engineer for the applicant, explained that there are two lots involved on the west side of the entire tract, with the western most lot having a house on it at the present time and being approximately 60 feet wide. The other lot is vacant and is approximately 75 feet wide. There is a bluff on the edge of the creek with most of the subject lots being above the flood plane.

Mr. Foxworth indicated that there would be drainage easements required across the northeast corners of the two lots. Mr. Watts stated that drainage easements as required would be provided.

Mr. Jackson advised the Commission that the approval of the two lots in question leaves the balance of the original tract as a buildable tract.

Mr. Foxworth stated that approximately the rear half of the subject property is outside the City limits and will be required to be annexed in connection with the subdivision.

C8s-67-112 Rev. S. L. Davis Subdivision--contd.

Mr. Riley pointed out that creation of long narrow lots generally creates problems in the future in that there is no further way to subdivide and provide access to the unuseable portions.

Mr. Foxworth explained that a cul-de-sac could probably be provided extending northerly from Heflin Lane to eliminate the long narrow lot situation, but there would be considerable cost involved and the developer would probably not get more than the two lots.

The staff recommends that the variance to exclude the balance of the tract be granted because it can be platted for residential purposes. After further discussion, the Commission

VOTED: To ACCEPT for filing the short form plat of REV. S. L. DAVIS SUBDIVISION, granting a variance to exclude the balance of the tract.

C8s-67-91 Mark's Subdivision
Shoalcreek and West 40th Street

The staff reported that the tracing of this short form plat has not been returned and recommended that it be rejected for filing at this time. The Commission then

VOTED: To REJECT for filing the short form plat of MARK'S SUBDIVISION, pending return of the tracing.

C8s-67-99 Fiskville School Addition, Resub. Lot 4, Block 4
Beaver Street

The staff reported that the tracing of this short form plat has not been returned and recommended that it be rejected for filing at this time. The Commission then

VOTED: To REJECT for filing the short form plat of FISKVILLE SCHOOL ADDITION, Resub. Lot 4, Block 4, pending return of the tracing.

C8s-67-100 Rutland Acres
Rutland Drive

The staff reported that the tracing of this short form plat has not been returned and recommended that it be rejected for filing at this time. The Commission then

VOTED: To REJECT for filing the short form plat of RUTLAND ACRES, pending return of the tracing.

SHORT FORM PLATS - CONSIDERED

C8s-67-86 Northwest Hills, Section 6, Resub. of Lots 23 & 24, Block K
Glen Ridge Drive

The staff recommended disapproval of this short form plat pending the required tax certificates and the volume and page required in dedication.

The Commission then

VOTED: To DISAPPROVE the short form plat of NORTHWEST HILLS, Section 6, Resub. of Lots 23 and 24, Block K, pending the items as noted.

ADMINISTRATIVE APPROVAL

The staff reported that nine short form plats had received administrative approval under the Commission's rules.

The Commission therefore

VOTED: To ACCEPT the staff report and to record in the minutes of this meeting the administrative approval of the following short form plats:

<u>C8s-61-11</u>	<u>Freewater Addition, Resub. Lot 10, Part of Lot 2, Blk. 5</u>
	<u>Cardinal east of South Third</u>
<u>C8s-67-89</u>	<u>Lannert Subdivision</u>
	<u>Depew Avenue north of 47th Street</u>
<u>C8s-67-59</u>	<u>Daniel A. Chance Subdivision</u>
	<u>McCarty and West View</u>
<u>C8s-67-85</u>	<u>Brookwood Park</u>
	<u>Manchaca Road</u>
<u>C8s-67-94</u>	<u>North Gate Addition, Resub. Lot 8, Block G</u>
	<u>Morrow Street and Gault Street</u>
<u>C8s-67-74</u>	<u>C. R. Johns Subdivision, Resub. of Lots 1-8, Block 12</u>
	<u>New York Avenue and Chicon Street</u>
<u>C8s-67-58</u>	<u>Rogers Brothers Subdivision</u>
	<u>Shoal Creek Boulevard</u>
<u>C8s-67-96</u>	<u>Findlay Subdivision</u>
	<u>West 19th Street and Pearl Street</u>
<u>C8s-67-70</u>	<u>Allandale Park, Resub. No. 8</u>
	<u>McElroy Drive</u>

Planning Commission -- Austin, Texas

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REPORTS

SUBDIVISION APPROVAL BY TELEPHONE POLL

Staff reporting approval by a majority of the Commission on the following subdivisions on the dates shown:

<u>C8-67-14</u>	<u>Greenwood Hills, Section 4</u>
	Suburban Drive and Raintree Lane
	(6-13-67)
<u>C8-66-33</u>	<u>Northwest Hills Mesa Oaks Phase 4</u>
	Mesa Drive and Rockrim Drive
	(6-13-67)

ADJOURNMENT: The meeting was adjourned at 10:00 p.m.

Hoyle M. Osborne
Executive Secretary